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JURY FINDS CANOEIST GUILTY OF SWEARING IN FRONT OF CHILDREN

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A man dubbed the "cussing canoeist" was found guilty on Friday of violating an obscure 102-year old Michigan state law on public swearing in front of children -- punishable by up to 90 days in jail.

Jurors deliberated less than one hour before ruling against Timothy Boomer, 25, a computer programmer from the Detroit area. Prosecutors said he yelled the "f-word" as many as 75 times after he fell out of his canoe on the remote Rifle River. Boomer's lawyer William Street, an attorney with the American Civil Liberties Union, said they were disappointed but not surprised by the verdict and planned to appeal.

"We expected in a sense that, to use an apt phrase, we were going to be paddling against a strong current upstream in Arenac County," Street said.

The case attracted national attention, pitting free speech advocates against those who would stop offensive language. Judges in two other Michigan counties have thrown out similar cases, ruling they were unconstitutional.

However, 81st District Court Judge Allen Yenior refused to dismiss the case, arguing

there is a compelling community interest in "protecting the morality of our children."

Yenior said he would sentence Boomer after the appeal.

Prosecutor Richard Vollbach told the jury during closing arguments that Boomer's language may be acceptable in New York or Los Angeles, but they must decide whether they want that in their small town, about 120 miles north of Detroit.

"If repeatedly screaming the 'f-word' at least 25 times in front of your children isn't indecent or vulgar, what is?" Vollbach said.

Michael Smith, 32, testified that he was canoeing down the Rifle River with his family when he heard Boomer fall into the water and scream a string of obscenities for several minutes.

Smith told his 5-year old son not to listen, and his wife Tammy covered the ears of their 2-year old daughter, who was just learning to talk and mimicking sounds. Smith said he hurriedly paddled by Boomer, close enough to see the bulging veins in his neck as he swore in anger, and he feared he might start a fight with somebody.

However, Boomer's fiancée and more than half a dozen of his friends also on the trip testified on Friday that he may have said the "f-word" no more than two or three times and he didn't yell. They also said they saw few children on the river that day, and none were around when Boomer was ticketed.
